



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL,
ATTORNEY GENERAL**

January 28, 1976

The Honorable Fratis L. Duff
Director
Texas Department of Health
Resources
Austin, Texas 78756

Opinion No. H-773

Re: Entitlement of
Board of Health Resources
members to per diem
allowance.

Dear Doctor Duff:

You have requested our opinion regarding the entitlement of members of the Board of Health Resources to per diem payments. Specifically, you inquire whether articles 4416a and 4417a, V.T.C.S., permit per diem payments when less than a quorum of the Board is convened. You have indicated that your concern is directed to committee meetings and other similar meetings designed to be attended by less than a quorum of the full Board. You also ask whether per diem payments are authorized when a quorum of the Board meets at a place other than Austin.

Article 4416a, as recently amended, provides in pertinent part:

A majority of the members of the Texas Board of Health Resources constitute a quorum for the transaction of business. The Board shall meet at Austin at least once each month, on dates to be fixed by the Board, and shall hold such special meetings as may be called by the Chairman. . . .

Article 4417a, as recently amended, provides in pertinent part:

The members of the Texas Board of Health Resources receive no fixed salary, but each member shall be allowed, for each and every day in attending the meetings of the Board, the sum of \$50, and said members shall be allowed traveling and other necessary expenses while in the performance of official duty. . . .

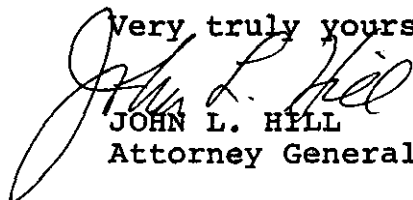
Article 4417a authorizes payment of the sum of \$50 for each day a member attends the meetings of the Board. In our opinion, a meeting is a "meeting of the Board" for purposes of article 4417a, only when it is a meeting designed to be attended by the entire membership of the Board. Thus, a committee meeting or an informal gathering of several members would not constitute a meeting of the Board.

As to your second question, it is our opinion that per diem payments are authorized when the Board meets at a place other than Austin. Although article 4416a contemplates that the regular monthly meetings of the Board shall be held at Austin, it also permits the Board to "hold such special meetings as may be called by the Chairman." The Act does not specifically require that such special meetings be held at Austin. So long as the "special meeting" is one which is designed to be attended by all Board members, we believe that payment of the per diem allowance is authorized.

S U M M A R Y

A per diem allowance may be paid to members of the Board of Health Resources only for those meetings designed to be attended by all members of the Board. The per diem allowance may be paid for all such meetings.

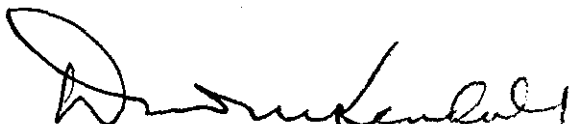
Very truly yours,




JOHN L. HILL
Attorney General of Texas

The Honorable Fratis L. Duff - page three (H-773)

APPROVED:


DAVID M. KENDALL, First Assistant


C. ROBERT HEATH, Chairman
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